

1 ROBBINS ARROYO LLP
BRIAN J. ROBBINS (190264)
2 brobbins@robbinsarroyo.com
KEVIN A. SEELY (199982)
3 kseely@robbinsarroyo.com
STEVEN M. MCKANY (271405)
4 smckany@robbinsarroyo.com
ERIC M. CARRINO (310765)
5 ecarrino@robbinsarroyo.com
600 B Street, Suite 1900
6 San Diego, CA 92101
Telephone: (619) 525-3990
7 Facsimile: (619) 525-3991

8 Attorneys for Plaintiff

9 [Additional Counsel Appear on Signature Pages]

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

12 TIMOTHY HIMSTREET, Derivatively on
13 Behalf of WELLS FARGO & COMPANY,

14 Plaintiff,

15 v.

16 TIMOTHY J. SLOAN, JOHN R.
SHREWSBERRY, AVID MODJTABAI,
17 ELIZABETH A. DUKE, JOHN D. BAKER
II, DONALD M. JAMES, JAMES H.
QUIGLEY, SUZANNE M. VAUTRINOT,
18 JOHN G. STUMPF, FRANKLIN R.
CODEL, DAWN MARTIN HARP,
19 CARRIE L.TOLSTEDT, STEPHEN W.
SANGER, CYNTHIA H. MILLIGAN,
20 JUDITH M. RUNSTAD, SUSAN G.
SWENSON, SUSAN E. ENGEL, ENRIQUE
21 HERNANDEZ, JR., LLOYD H. DEAN,
JOHN S. CHEN, ELAINE L. CHAO, and
22 FEDERICO F. PEÑA,

23 Defendants,

24 -and-

25 WELLS FARGO & COMPANY, a
Delaware corporation,

26 Nominal Defendant.

Case No. 3:18-cv-02922-LB

STIPULATION AND ~~PROPOSED~~
ORDER OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE

1 Plaintiff Timothy Himstreet ("Plaintiff"), defendants Timothy J. Sloan, John R.
2 Shrewsberry, Avid Modjtabai, Elizabeth A. Duke, John D. Baker II, Donald M. James, James H.
3 Quigley, Suzanne M. Vautrinot, John G. Stumpf, Franklin R. Codel, Dawn Martin Harp, Carrie
4 L.Tolstedt, Stephen W. Sanger, Cynthia H. Milligan, Judith M. Runstad, Susan G. Swenson, Susan
5 E. Engel, Enrique Hernandez, Jr., Lloyd H. Dean, John S. Chen, Elaine L. Chao, Federico F. Peña,
6 and nominal defendant Wells Fargo & Company (collectively, "Defendants"),¹ through their
7 respective counsel of record, submit this stipulation and [proposed] order to voluntary dismiss this
8 action without prejudice.

9 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties,
10 through their undersigned counsel, pursuant to Rules 23.1(c) and 41(a)(1)(A)(ii) of the Federal
11 Rules of Civil Procedure and subject to the Court's approval, that:

- 12 1. This action shall be dismissed in its entirety without prejudice; and
13 2. Each Party shall bear his, her, or its own costs, fees, and expenses, including
14 attorneys' fees.

15 **IT IS SO STIPULATED.**

16 Dated: June 21, 2018

ROBBINS ARROYO LLP
BRIAN J. ROBBINS
KEVIN A. SEELY
STEVEN M. MCKANY
ERIC M. CARRINO

19 s/ Steven M. McKany
20 STEVEN M. MCKANY

21 600 B Street, Suite 1900
22 San Diego, CA 92101
23 Telephone: (619) 525-3990
24 Facsimile: (619) 525-3991
brobbins@robbinsarroyo.com
kseely@robbinsarroyo.com
smckany@robbinsarroyo.com
ecarrino@robbinsarroyo.com

25 *Counsel for Plaintiff Timothy Himstreet*

26 _____
27 ¹ Plaintiff and Defendants are collectively referred to herein as the "Parties."
28

1
2 Dated: June 21, 2018

WILLIAMS & CONNOLLY LLP
JENNIFER G. WICHT

3 s/ Jennifer G. Wicht

4 JENNIFER G. WICHT

5 725 Twelfth Street, N.W.
6 Washington, D.C. 20005
7 Telephone: (202) 434-5000
8 Facsimile: (202) 434-5029
9 jwicht@wc.com

10 *Counsel for Defendant Carrie L. Tolstedt*

11 Dated: June 21, 2018

CLARENCE DYER & COHEN LLP
NANCI L. CLARENCE (122286)

12 s/ Nanci L. Clarence

13 NANCI L. CLARENCE

14 899 Ellis Street
15 San Francisco, CA 94109
16 Telephone: (415) 749-1800
17 Facsimile: (415) 749-1694
18 nclarence@clarencedyer.com

19 *Counsel for Defendant Timothy J. Sloan*

20 Dated: June 21, 2018

FARELLA, BRAUN + MARTEL LLP
BRANDON WISOFF (121930)

21 s/ C. Brandon Wisoff

22 C. BRANDON WISOFF

23 235 Montgomery Street, 17th Floor
24 San Francisco, CA 94104
25 Telephone: (415) 954-4400
26 Facsimile: (415) 954-4480
27 bwisoff@fbm.com

28 *Counsel for Defendant Avid Modjtabai*

Dated: June 21, 2018

GOODWIN PROCTOR LLP
GRANT FONDO (181530)
NICHOLAS A. REIDER (296440)

s/ Grant Fondo

GRANT FONDO

Three Embarcadero Center, 28th Floor
San Francisco, CA 94111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June 21, 2018

Telephone: (415) 733-6054
gfondo@goodwinlaw.com
nreider@goodwinlaw.com

Counsel for Defendant John G. Stumpf

RAMSEY & EHRLICH LLP
ISMAIL RAMSEY (189820)

s/ Ismail Ramsey
ISMAIL RAMSEY

803 Hearst Avenue
Berkeley, CA 94710
Telephone: (510) 548-3600
Facsimile: (510) 291-3060
izzy@ramsey-ehrllich.com

*Counsel for Defendants John R. Shrewsberry
and Franklin R. Codel*

Dated: June 21, 2018

COVINGTON & BURLING LLP
DANIEL SHALLMAN (180782)

s/ Daniel Shallman
DANIEL SHALLMAN

1999 Avenue of the Stars
Los Angeles, CA 90067
Telephone: (424) 332-4800
dshallman@cov.com

Counsel for Defendant Dawn Martin Harp

Dated: June 21, 2018

SULLIVAN & CROMWELL LLP
BRENDAN CULLEN (194057)

s/ Brendan Cullen
BRENDAN CULLEN

1870 Embarcadero Road
Palo Alto, California 94303
Telephone: (650) 461-5689
Facsimile: (650) 461-5700
cullenb@sullcrom.com

*Counsel for Nominal Defendant Wells Fargo
& Company*

1 Dated: June 21, 2018

SHEARMAN & STERLING LLP
JOHN COVE (212213)
ALETHEA M. SARGENT (288222)

3 s/ John Cove

4 JOHN COVE
5 ALETHEA M. SARGENT

6 535 Mission Street, 25th Floor
7 San Francisco, CA 94105
8 Telephone: (415) 616-1100
9 john.cove@shearman.com
10 alethea.sargent@shearman.com

11 *Counsel for Defendants Susan E. Engel, Judith*
12 *M. Runstad, Cynthia H. Milligan, John D.*
13 *Baker, II, Federico F. Peña, Elizabeth A.*
14 *Duke, Donald M. James, James H. Quigley,*
15 *Suzanne M. Vautrinot, Stephen W. Sanger,*
16 *Susan G. Swenson, Enrique Hernandez, Jr.,*
17 *Lloyd H. Dean, John S. Chen, and Elaine L.*
18 *Chao*

14 I, Steven M. McKany, am the ECF User whose ID and password are being used to file this
15 Stipulation and [Proposed] Order of Voluntary Dismissal Without Prejudice. In compliance with
16 Civil L.R. 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained
17 from each of the other signatories.

18 s/ Steven M. McKany

19 STEVEN M. MCKANY

20 * * *

21 **ORDER**

22 Pursuant to stipulation, **IT IS SO ORDERED.**

23 DATED: August 9, 2018

24 
25 UNITED STATES DISTRICT JUDGE